

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION**

BREON N. ROQUEMORE,
Plaintiff,

VS.

**COMMISSIONER, SOCIAL SECURITY
ADMINISTRATION,**
Defendant.

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Civil Action No. 7:24-CV-00155-O

**FINDINGS, CONCLUSIONS AND RECOMMENDATION OF THE
UNITED STATES MAGISTRATE JUDGE AND NOTICE AND ORDER**

Plaintiff has filed a complaint and a motion for leave to proceed *in forma pauperis*. ECF Nos. 3, 2. The case was referred to the undersigned United States Magistrate Judge pursuant to the provisions of 28 U.S.C. § 636(b) and Special Order No. 3. The findings, conclusions and recommendation of the United States Magistrate Judge are as follows:

FINDINGS AND CONCLUSIONS:

A. NATURE OF THE CASE

This case is a new civil action.

B. PARTIES

Breon N. Roquemore is the Plaintiff and the Social Security Administration Commissioner is the sole Defendant. ECF No. 1.

C. LEGAL ANALYSIS

On December 21, 2024, Plaintiff filed an incomplete long-form motion to proceed *in forma pauperis* under 28 U.S.C. § 1915 *et. seq.* ECF No. 2. That application/motion did not provide, *inter alia*, Plaintiff's income and asset information. On December 27, 2024, the Court ordered Plaintiff to either pay the total filing and administrative fees or fully complete all sections of the

long-form application to proceed *in forma pauperis* no later than January 10, 2025. ECF No. 8. The Court explicitly warned that failure to comply may lead to dismissal for failure to prosecute. *Id.* To date, Plaintiff has not complied with or otherwise responded to the Court's order.

Rule 41(b) of the Federal Rules of Civil Procedure permits a court to dismiss an action *sua sponte* for failure to prosecute or follow orders of the court. *McCullough v. Lynaugh*, 835 F.2d 1126, 1127 (5th Cir. 1988). This authority flows from a court's inherent power to control its docket, prevent undue delays in the disposition of pending cases, and avoid congested court calendars. *Link v. Wabash R.R. Co.*, 370 U.S. 626, 629-31 (1962). Because Plaintiff failed to comply with this Court's order, this case may be dismissed for failure to comply with a Court order and for lack of prosecution under Federal Rule of Civil Procedure 41(b).

RECOMMENDATION

It is therefore **RECOMMENDED** all of Plaintiff's claims be **DISMISSED** for lack of prosecution, without prejudice to their being refiled. *See* Fed. R. Civ. P. 41(b).

NOTICE OF RIGHT TO OBJECT TO PROPOSED FINDINGS, CONCLUSIONS AND RECOMMENDATION AND CONSEQUENCES OF FAILURE TO OBJECT

A copy of this report and recommendation shall be served on all parties in the manner provided by law. Under 28 U.S.C. § 636(b)(1), each party to this action has the right to serve and file specific written objections in the United States District Court to the United States Magistrate Judge's proposed findings, conclusions, and recommendation within fourteen (14) days after the party has been served with a copy of this document. The United States District Judge need only make a de novo determination of those portions of the United States Magistrate Judge's proposed findings, conclusions, and recommendation to which specific objection is timely made. *See* 28

U.S.C. § 636(b)(1). Failure to file by the date stated above a specific written objection to a proposed factual finding or legal conclusion will bar a party, except upon grounds of plain error or manifest injustice, from attacking on appeal any such proposed factual findings and legal conclusions accepted by the United States District Judge. *See Douglass v. United Servs. Auto Ass'n*, 79 F.3d 1415, 1428–29 (5th Cir. 1996) (en banc), *superseded by statute* 28 U.S.C. § 636(b)(1) (extending the deadline to file objections from ten to fourteen days).

ORDER

Under 28 U.S.C. § 636, it is **ORDERED** that Plaintiff is granted until **January 30, 2025** to serve and file written objections to the United States Magistrate Judge's proposed findings, conclusions and recommendation.

It is further **ORDERED** that the above-styled and numbered action, previously referred to the United States Magistrate Judge for findings, conclusions and recommendation, be and is hereby, **RETURNED** to the docket of the United States District Judge.

SIGNED this 16 day of January 2025.



JEFFREY I. CURETON
UNITED STATES MAGISTRATE JUDGE